



PERSONNEL POLICIES AND PROCEDURES

Subject: DISCRIMINATION COMPLAINTS

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Page 1 of 4

I. POLICY STATEMENT

It is the policy of the City of Long Beach to actively promote equal employment opportunity to all persons on all matters affecting City employment. The City of Long Beach is committed to a policy of non-discrimination in employment practices, and reaffirms its commitment that no person shall benefit or be discriminated against on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sex, sexual orientation, or on any other basis inconsistent with federal or state statutes, the City Charter, or City ordinances, resolutions, rules, or regulations.

II. GENERAL INFORMATION

The following procedure is intended to facilitate the timely resolution of complaints of unlawful discrimination. It is important that complainants be apprised of their rights to file a complaint with an external regulatory agency. They should, however, be encouraged to first utilize the City's internal procedures to seek resolution.

III. PROCEDURES

There are several administrative processes available to City employees, job applicants, and third parties, for resolution of an informal or formal complaint. A complaint may be presented either to a departmental Equal Employment Opportunity Counselor, appropriate supervisor, or the City's Equal Employment Opportunity Office.

An informal complaint differs from a formal complaint in that a complainant may seek assistance from the department, Civil Service, or the Equal Employment Opportunity Office. The investigation is limited and generally narrow in scope, and resolution is usually attempted through conciliation.

A complainant may elect to immediately file a formal complaint which is only handled through Civil Service or the Equal Employment Opportunity Office, with the assistance of the department. A formal complaint generally requires a more extensive investigation and questioning of witnesses. Recommendations for resolution of a

formal complaint is either made by the Civil Service Commission or the Equal Employment Opportunity Officer.

A classified City employee or job applicant may choose to present a complaint to the Civil Service Commission. The commission may then elect to either investigate the complaint or refer it to the City's Equal Employment Opportunity Office for investigation.

These processes are designed to administratively resolve complaints in a timely manner, and minimize the financial impact upon both the complainant and the City.

A. Informal Complaint

Each department head designates an Equal Employment Opportunity Counselor who acts as liaison between management and the department's employees. The Counselor serves as the primary contact person on equal employment issues, and assists employees in the resolution of problems and concerns related to equal employment opportunity matters.

1. Department Level

Whenever possible, complaints should be handled at the departmental level. Employees should be made aware of the name of the Equal Employment Opportunity Counselor within their department. Any employee who feels she/he has been subjected to illegal discrimination should immediately advise either the department's Equal Employment Opportunity Counselor or appropriate supervisor. Timeliness in handling a complaint indicates to the employee their concerns are being taken seriously.

No employee shall fear reprisal or retaliation because of reporting an alleged act of discrimination.

To the extent possible, it is important that strict confidentiality be maintained. Information pertaining to the complaint shall be maintained in a separate confidential file. Employees are allowed to use scheduled work hours in order to meet with their Equal Employment Opportunity Counselor or appropriate supervisor.

Whether or not assistance is required at this stage, the City's Equal Employment Opportunity Officer should be advised of the complaint.

After investigation, should the Equal Employment Opportunity Counselor or supervisor conclude that an employee was subjected to discriminatory treatment or retaliation, she/he is to advise the department head and the City's Equal Employment Opportunity Officer of the proposed resolution to the situation. When finalized, the resolution is to be presented to the employee, in writing, and a copy shall also be forwarded to the City's Equal Employment Opportunity Officer.

2. Equal Employment Opportunity Officer

An employee may choose to discuss a complaint with the City's Equal Employment Opportunity Officer, rather than within their own department. If so, she/he may obtain an appointment during scheduled work hours and, after advising their supervisor of the scheduled appointment, meet with the City's Equal Employment Opportunity Officer.

B. Formal Complaint

A formal complaint generally results from an inability to resolve a complaint at the informal level. A formal complaint may either be handled through the Equal Employment Opportunity Office or the Civil Service Commission.

A complainant may elect to pursue her/his complaint through the Equal Employment Opportunity Office without first pursuing an informal resolution. In this case, the Equal Employment Opportunity Officer/designee shall contact the employee and arrange an interview. At this time, the employee shall complete a "Formal Discrimination Complaint" form.

The Equal Employment Opportunity Officer acts as a neutral third party and is responsible for determining the facts and whether illegal discrimination did occur. The role of Equal Employment Opportunity Officer is not to serve as an advocate of either the City or the complainant.

In order to seek resolution, the department and any necessary witnesses shall be contacted. Upon completion of the findings, the Equal Employment Opportunity Officer shall contact the Department, advising them of the findings and the recommended resolution of the complaint.

The complainant shall be advised by the Equal Employment Opportunity Office, in writing, of the findings and resolution. A copy of the resolution should be sent to the departmental Equal Employment Opportunity Counselor.

If dissatisfied with the results at the formal complaint stage, complainants are informed that they may file a complaint with the State of California Department of Fair Employment and Housing (DFEH), the federal Equal Employment Opportunity Commission (EEOC), or other appropriate agency.

C. Outside Regulatory Agencies

The City's Equal Employment Opportunity Office is responsible for all responses to complaints from outside regulatory agencies. Should a complaint be received by a department, it is to be immediately forwarded to the Equal Employment Opportunity Office.

Upon receipt of a complaint, the Equal Employment Opportunity Office will contact and provide the department with a copy of the complaint. The department will then respond to the allegations contained in the complaint and return it to the Equal Employment Opportunity Office within the time specified. The Equal Employment Opportunity Officer/designee will then prepare the City's response.

In preparing the City's response, it may be necessary to contact individuals directly involved in the complaint or individuals who may be able to provide additional information.

Once the response is completed, it will be forwarded to the City Attorney's office for review. When approval is obtained, the response is forwarded to the appropriate agency. A copy of the City's response is then forwarded to the department.

IV. REFERENCES

- A. Equal Employment Opportunity Program Plan: Section - Responsibility; Equal Employment Opportunity Office
- B. Civil Service Rules and Regulations: Article I, Section 2 - Non-Discrimination